



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/174,046	10/16/98	HARVEY	A CIS-061

LM02/0524

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EXAMINER

GECKIL, M

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

05/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/174,046

Applicant(s)

Andrew Harvey

Examiner

Geckel

Group Art Unit

2756

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/16/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4 and 6-1
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. Claims 1-9 are presented for examination.
2. Abstract and summary of the invention do not reflect the issues presented in the claims.  
Applicant is requested to submit a new background, a new summary and a new abstract describing the problem solved with these claims.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart.
5. Hart (5,423,002) taught the invention substantially as claimed including a system for sending a packet from a router (200) to a network (223) comprising building a network packet and wrapping or encapsulating the packet (col 8 line 25 et seq), transmitting (col 8 line 30) the encapsulated packet to a network extender or routing adaptor (col 8 line 25 et seq, col 9 line 1 et seq, and col 3 line 43 et seq) using a communication link (218), and at the network extender or routing adapter decapsulating or unwrapping the encapsulated or wrapped packet and distributing

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the packet to its destination address by interpreting the packet header (col 8 line 25 et seq and col 9 line 1 et seq.)

6. It would have been obvious to one of ordinary skill in the network routing art at the time of the invention that the claimed invention differed from the teaching of Hart only by a degree, e.g., in the lex specific features of the claimed invention. But this is no more than an obvious variation of using other routing protocols. For example, Hart at column 9 line 6 et seq stated that his system handled “physical and data link protocols etc” the “etc” inhere indicates that other routing protocols may be implemented. The main idea of the claimed invention to use network extenders in conjunction with the ppp protocol for extending a LAN to another remote LAN. But Hart exactly taught the same extending functionality via the ppp (e.g., see column 8 line 233 et seq.) Other claim features are all obvious variations of the well known features of the routing art. For example, Hart taught Routing Adapter Management which received and transmitted packets including management commands like redialing and the like (see col 9 lines 29-33) and the claimed commands in the packet are obvious variations of Hart’s teaching of management commands.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on (703) 305-3817. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9564.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9731, (for formal communications intended for entry)

**Or:**

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(703) 305-9731 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

5/19/00

MEHMET B. GECKIL  
PRIMARY EXAMINER

*Mehmet Geckil*